

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

| | | |
|-----------------------------|---|---------------------------------------|
| IN RE: AQUEOUS FILM-FORMING |) | |
| FOAMS PRODUCTS LIABILITY |) | MDL NO. 2:18-mn-2873 |
| LITIGATION |) | |
| |) | This Document Relates to: |
| |) | Peterson et al. v. 3M et al. 2:23-cv- |
| |) | 02841-RMG |
| |) | |

SUGGESTION OF DEATH UPON THE RECORD UNDER FED. R. CIV. P. 25(a)(1) AND
MOTION FOR SUBSTITUTION OF PARTY

PLEASE TAKE NOTICE THAT Counsel for Plaintiffs Earl Peterson Jr., *et al.*, gives notice and suggests upon the record, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, the death of plaintiff Thomas Jerold Wheatley on June 11, 2021. Mr. Wheatley's Death Certificate is attached as Exhibit A. Thomas James Wheatley has been appointed Executor of the estate of Thomas Jerold Wheatley.

Pursuant to Fed. R. Civ. P. Rule 25(a), it is hereby requested that Thomas James Wheatley, Executor of the Estate of Thomas Jerold Wheatley, be substituted in place of "Thomas Jerold Wheatley" as plaintiff in this action, so that Decedent's claims survive, and the action on his behalf may proceed. The request under this Motion is not sought for delay, but so that justice may be done.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.02, Plaintiffs' counsel has met and conferred with liaison and co-lead counsel for Defendants ("DCC") before the filing of this motion who have indicated that the DCC does not object to the filing of this motion.

Dated: February 5, 2024

Environmental Litigation Group, P.C.

By: /s/ Gary A. Anderson

Gary A. Anderson

Gregory A. Cade

Kevin B. McKie

ENVIRONMENTAL LITIGATION GROUP, P.C.

2160 Highland Avenue South

Birmingham, AL 35205

gary@elglaw.com

(205) 328-9200

Defense Leadership Counsel

By: /s/ Joseph G. Petrosinelli

Joseph G. Petrosinelli (Defendants' Co-Lead Counsel)

Williams & Connolly LLP

725 Twelfth St., N.W.

Washington DC 20005

jpetrosinelli@wc.com

(202) 434-5547

Michael A. Olsen (Defendants' Co-Lead Counsel)

Mayer Brown LLP

71 South Wacker Drive

Chicago, IL 60606

molsen@mayerbrown.com

(312) 782-0600

David E. Dukes (Defendants' Co-Liaison Counsel)

Nelson Mullins Riley & Scarborough LLP

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

David.dukes@nelsonmullins.com

(803) 799-2000

Brian C. Duffy (Defendants' Co-Liaison Counsel)

Duffy & Young LLC

96 Broad Street

Charleston, SC 29401

bduffy@duffyandyoung.com

(843) 720-2044

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2024, I electronically filed the foregoing documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Gary A. Anderson
Gary A. Anderson